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Attorneys for USACM Liquidating Trust

## Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

## USA COMMERCIAL MORTGAGE COMPANY,

## USA CAPITAL REALTY ADVISORS, LLC.<sup>1</sup>

**USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,**

**USA CAPITAL FIRST TRUST DEED  
FUND, LLC,<sup>2</sup>**

USA SECURITIES, LLC,<sup>3</sup>

## Debtors.

### Affects:

- All Debtors
  - USA Commercial Mortgage Company
  - USA Capital Realty Advisors, LLC
  - USA Capital Diversified Trust Deed Fund, LLC
  - USA Capital First Trust Deed Fund, LLC
  - USA Securities, LLC

Case No. BK-S-06-10725-LBR<sup>1</sup>  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR<sup>2</sup>  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING  
FIRST OMNIBUS OBJECTION OF  
USACM TRUST TO PROOFS OF  
CLAIM BASED UPON  
INVESTMENT IN THE COPPER  
SAGE COMMERCE CENTER, LLC  
LOAN; AND CERTIFICATE OF  
SERVICE**

Date of Hearing: April 10, 2009  
Time of Hearing: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE**

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 26, 2007.



1           **COPPER SAGE COMMERCE CENTER, LLC LOAN BECAUSE THE USACM**  
2           **TRUST CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR YOUR**  
3           **INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT IMPACT**  
4           **YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A**  
5           **DIFFERENT LOAN.**

6           **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
7           **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS  
8           REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM  
9           SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING  
10          GROUP, LLC ((602) 424-7009) OR THE UNDERSIGNED COUNSEL.

11           **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its  
12 First Omnibus Objection to Proofs of Claim Based Upon Investment in the Copper Sage  
13 Commerce Center, LLC Loan (the “Objection”). Your Proof of Claim number and other  
14 information regarding your claim is provided in **Exhibit A**, attached. The USACM  
15 Liquidating Trust has requested that this Court enter an order, pursuant to Bankruptcy  
16 Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to the extent it is  
17 based upon an investment in the Copper Sage Commerce Center, LLC Loan. The  
18 Objection will not impact your Claim to the extent it is based upon an investment in a  
19 different loan.

20           **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
21 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
22 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
23 **April 10, 2009, at the hour of 9:30 a.m.**

24           **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 10,**  
25 **2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**



1           **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**  
2           **HEARD ON THAT DATE.**

3           **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed  
4 by April 3, 2009, pursuant to Local Rule 3007(b), which states:

5           If an objection to a claim is opposed, a written response must be filed and  
6 served on the objecting party at least 5 business days before the scheduled  
7 hearing. A response is deemed sufficient if it states that written  
documentation in support of the proof of claim has already been provided to  
the objecting party and that the documentation will be provided at any  
evidentiary hearing or trial on the matter.

9           If you object to the relief requested, you *must* file a **WRITTEN** response to this  
10 pleading with the Court. You *must* also serve your written response on the person who  
11 sent you this notice.

12           If you do not file a written response with the Court, or if you do not serve your  
13 written response on the person who sent you this notice, then:

- 14           • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 15           • The Court may *rule against you* and sustain the objection without formally  
16           calling the matter at the hearing.

17           Dated: February 11, 2009.

18           LEWIS AND ROCA LLP

19           By /s/ John Hinderaker Rob Charles (#18024)  
20           Rob Charles, NV 6593

21           John C. Hinderaker, AZ 18024 (*pro hac vice*)  
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Atorneys for the USACM Liquidating Trust



1 Copy of the foregoing mailed by first class  
2 postage prepaid U.S. Mail on  
February 11, 2009 to:

3 Parties listed on Exhibit A attached.

4 s/Renee L. Creswell  
5 Renee L. Creswell  
Lewis and Roca LLP

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